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Certified Public Manager Project

# Letting Transparency and Freedom Of Information Act (FOIA) Work for Your Agency

South Carolina Department of Natural Resources

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STATE DOCUMENTS

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## Problem Statement:

On July 4, 1966, former President Lyndon Johnson signed into law the federal Freedom of Information Act (FOIA) and it went into effect a year later. State governments followed suit and each state enacted its own laws to govern the dissemination of information to the public. These laws were known as Sunshine laws, open records laws or public records laws. They were also referred to as FOIA laws, after the federal Freedom of Information Act. In South Carolina, Title 30 – Chapter 4 – Freedom of Information Act governs the dissemination of information to the public.

These laws were the foundation of the 'Transparency' laws of today. They establish the public's right-to-know and help foster a better relationship between the government and the public. The traditional method of releasing this information involves gathering the data, formatting it into reports and publishing the reports on paper which is both expensive and time consuming for the government agency and the requestor. With the public's increased use of the internet and agency websites, there is an opportunity to make this information available in a timelier and less expensive way.

At the beginning of this project, the South Carolina Department of Natural Resources (SCDNR) website had only one HTML page (Appendix A), with minimal information on how to submit a Freedom of Information Act (FOIA) Request to the agency. The goals of this project were to: 1) provide detailed instructions along with a sample form letter to help the public submit requests and 2) provide frequently requested information online on the agencies website. Enhancing SCDNR's transparency directly supports the agency's 'Vision for the Future' (Appendix B), specifically the Guiding Principles within the vision document which states:

In carrying out our mission we will continuously strive to:

- "Enhance public and private partnerships and open communications necessary to cooperatively protect and manage the state's natural resources;"

- “Evaluate and improve agency functions and procedures to ensure efficiency, effectiveness, and accountability, emphasizing quality service to all customers, internal and external;”

And the Strategic plan section 4 which states:

4. Enhance public trust and confidence in the agency.

- a. Foster more effective communications, outreach, and partnering with the public and State Legislature;
- b. Develop strategies that address divergent public opinion and expectations concerning issues related to accessibility, use, and protection of natural resources; and
- c. Optimize our customer service through regular monitoring of constituent needs, public opinion, and agency performance; and
- d. Enhance natural resource education to provide the public with knowledge necessary in making informed natural resource decisions.

## Data Collection

Research was conducted on the internet to find studies and analyses relating to ‘Transparency in Government.’ Investigation of these studies was conducted to determine the viability of transparency and if there was any measurable benefit to government for being transparent.

The researcher examined other federal and state agencies websites to determine how their FOIA information is presented. The websites were examined for content, navigation, web applications and overall presentation of the FOIA information. Examination of a wide variety of website was beneficial in narrowing the scope of the first iteration of the SCDNR FOIA website.



Interviews were conducted with key agency personnel including the Freedom of Information Officer, Assistant Deputy Director, Law Enforcement Lieutenant and others to determine what information they would like to see added to the FOIA website area.

Web pages are hosted on a web server which creates a log to monitor web traffic. The researcher analyzes the statistical information at the end of every month. Multiple types of information are available within these web logs. Typically, web hits are used to measure web usage; however, web hit numbers are inflated because they record the number of content items such as photographs, JavaScript, graphics, cascading style sheets, and the like - within a single web page. Successful Requests for Web Pages only records one hit for the request of a web page and its associated content. For example, a single web page containing three graphics and a JavaScript file would record five web hits. Successful requests for web pages would only record one hit for the same page. Web traffic from outside of the agency's network is the only data that is recorded within the server logs. No internal network traffic information is recorded within the logs so each successful request for a web page can be viewed as a single user visit from outside the agency. SCDNR has logs from 2007 through 2010.

## Data Analysis

The ForeSee Results Company conducted research regarding the E-government Transparency Index. The study, *Quantifying the Relationship Between Online Transparency and Overall Trust*, was published in May 19, 2010, by Larry Freed. This was an ongoing study of more than 54,000 U.S. citizens who visited federal websites in the first quarter of 2010. Some twenty-three federal agencies agreed to take the initiative and quantify their performance of transparency by participating in this study. They used the Standard Customer Satisfaction Index as a measurement for their results.

One conclusion of this research was to 'Quantify the Impact of Transparency' as stated in the report:

<sup>1</sup>Transparency has become a political buzz word, another piece of rhetoric that some government officials think will pass soon enough as a flavor of the month. Our research indicates that it is much, much more than a fad or a political means to an end. No matter what your political position or party, the stark reality is that transparency has a huge and quantifiable impact on the kinds of things that will make government more democratic and cost effective.

The customer satisfaction indexes showed that Federal agencies that provide transparency information and make that information easily accessible on their websites have better satisfaction from users and increase chances of the users returning to the website. The final conclusion of the report stated:

<sup>2</sup>The vision of open government, especially when applied to the online channel, is not just a feel-good, pie-in-the-sky ideal. This research demonstrates that for many federal websites, online transparency has a tangible, measurable impact both on citizens' satisfaction and their trust as well as the effectiveness and efficiency of government. Citizens' increased likelihood to return to federal websites, recommended them, and use them as a primary channel that can result from improving online transparency (for some sites) can have a huge impact on reducing the cost of providing great information and services to citizens. It's a win-win for everyone involved.

There were many factors that affected the satisfaction level of citizens but the overall conclusion is that satisfaction increased when government provided transparency information.

In January 2009, the South Carolina Policy Council published a report "*Transparency and Accountability: Necessary Reforms For South Carolina Government.*" The council was charged with looking at state and county governments to suggest ways to implement more open government and to encourage accountability. The council reported on the fee structures of FOIA requests and compared South Carolina government to other states in regards to transparency. At the beginning of the report the Council stated:



<sup>3</sup> It is time for reform. South Carolina must embrace government accountability and transparency, and should look to the many working examples in place today throughout the nation in other states. The role of government in a free society is to establish the framework for the free market and then allow individuals to operate unfettered within these established boundaries.

The report identified specific areas such as Online Check Registers, Open Records Reform and three other areas that need reform for SC government to become a transparent entity for its citizens. One recommendation of the report was for government records to be available through the vehicle of a website to citizens. The cost of FOIA requests for the general public to obtain government records were compared across the state with a wide range of expense to the citizens and some had excessive charges for FOIA requests.

The report concluded with the following:

<sup>4</sup> An informed citizenry is necessary to preserve democracy. South Carolina has one of the least transparent governments in the nation – along with one of the nation's lowest per capita income levels and highest dropout rates in the country. But the size and scope of government has continued to grow, with far too little accountability for the spending.

Opening government in South Carolina would give citizens the ability to communicate their spending priorities to their elected officials.

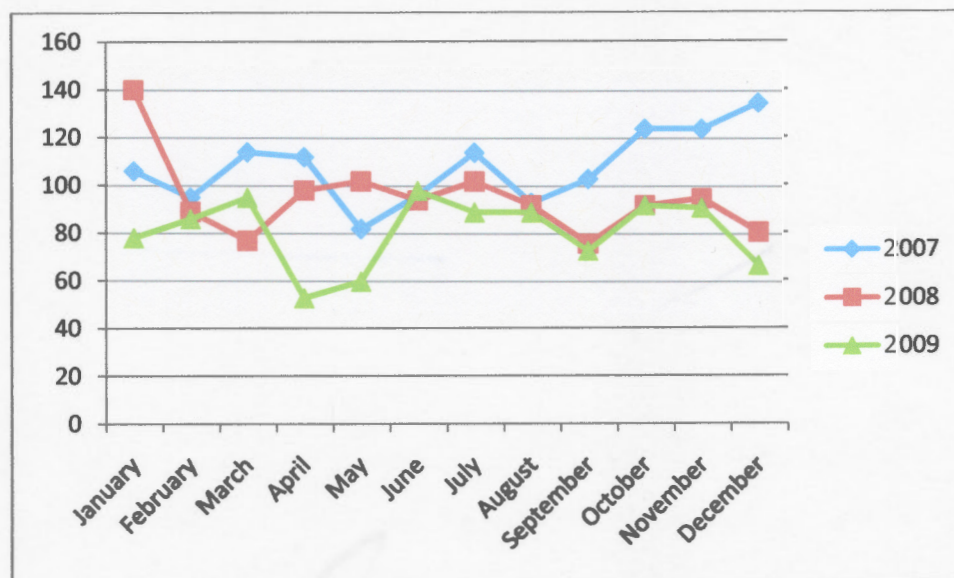
The report made it obvious that state and county government needs to be more transparent. With this information citizens make better informed decisions and can communicate better with their representatives and government.

Other studies on transparency in government brought to light the element of trust. Government agencies which are more open with information have a higher trust value with their citizens. Trust is an essential element when considering support for programs and funding.

Staff interviews revealed the types of documents that would be helpful to the public if made available on the agency's website. Documents such as the agency's Annual Accountability Reports, Statistical Data on Boating Accidents and Fatalities, S.C. Boat and Motor Totals by County, and public meeting minutes need to be included in this area of reporting. Staffs also suggested the agency give information on filing a FOIA request and provide a sample form the general public can use to request information. The form would include the mandatory information needed to process the request.

The researcher reviewed the web logs of the agency web server to determine how many Successful Requests for Web Pages were counted for 'FOIA.html' from 2007 to 2009. This review revealed a definite downward trend (Figure 1). During the year 2007, there were a total of 1,298 successful requests made. In 2008, the total was 1,138 which was a 20% reduction and in 2009, the total was 971 which was a 40% reduction in viewing from 2007.

Figure 1 – Successful Request for Web pages for Years 2007-2009



A majority of the other states' FOIA website information displayed extensive amounts of information on how to make a FOIA request and included FOIA reports that were most frequently requested. Some even used a web form and accompanying web application which accepts a FOIA request directly from the Internet.

From the information learned through research and user assessments, the researcher chose eleven navigation text components to create the left navigation element for the web page. Proper navigation development is vital in developing a website; it sets the pathway for a user to find information. A draft template was developed featuring new navigation and a new 'look and feel' of the SCDNR FOIA web page. The template provided a basis to engage personnel in discussion of the navigation and the content items.

## Implementation Plan

The steps needed to complete the enhanced agency FOIA web pages are to interview agency personnel to determine what data or content should be included on the FOIA web page. Then



determine what data would be best served by a web application and which data would need to be formatted into static HTML reports to be published. The timeframe the researcher established required the web page to be published in October of 2010. This allowed the researcher to include two to three months of web logs in the data analysis. The cost to the agency for the project is the researcher's time spent in interviewing personnel, collecting the data and formatting it for the internet. The researcher devoted approximately 55 hours to this project. By taking the hourly wage, doubling the amount and adding twenty percent for overhead, it cost the agency approximately \$4,260 for this project. (Please note - this amount does not include the cost for time of other agency personnel.)

The potential obstacles for this project have been obtaining information from key agency personnel, developing the database and web application and obtaining approval for publication. Some individuals have been reluctant to provide FOIA information freely to the public. The researcher had to sell the benefits of transparency to these individuals to elicit their cooperation. The second obstacle was setting aside the time to develop a database and associated web application. This action required additional personnel resources and the time they could devote to this project was limited. Once the web changes are complete, the agency Deputy Directors must approve the new web pages before they can be published and made available to the public.

The interview with the Freedom of Information Officer revealed she was primarily interested in developing a web application that would be used to collect data about the citizens making a FOIA request and would record what information the citizen is requesting. The citizen would use the new web form to input personal information and a description of the government information he or she needs. The web application would then place that data into a database and programmatically generate an email that would be sent to the requestor. The email would acknowledge receipt of the FOIA request and would instruct the user on what to expect. The application would also format dynamic FOIA reports

to be displayed on the website based on user input. The Freedom of Information Officer will use the database to automate certain duties and generate statistical information. Eventually the letter and report to the requestor will be electronic, requiring neither paper nor postage. The web application will save the Freedom of Information Officer's time, supplies and postage and, therefore, reduce expenses to the agency. The electronic form and the associated functionality must be programmed to gather the FOIA data through an online web application. The agency's ultimate goal is to develop this online application; however, due to budget constraints and lack of resources this web application will be developed at a later date.

In the interim, static web pages have been created to assist users with their FOIA requests and frequently requested reports were formatted for the web. Having this information available on the website provides a substantial time savings for the Freedom of Information Officer. Other agency personnel also benefit with time savings since they are now able to direct citizens to the information on the website.

The navigation on the 'FOIA.html' template was reduced to eight navigational components. The following information was collected and made available per the website: FOIA fees; frequently requested information; how to request information under FOIA; public meeting minutes; overview and frequently asked questions; reference information; reports and a direct hyperlink to the SC Code of Laws on FOIA.

The web page 'How to Request information under FOIA' contains a hyperlink to a sample request form in the Microsoft Word format. This form (Appendix C) was developed by the researcher and Freedom of Information Officer to assist the general public with their FOIA request. The form communicates to the citizen what information is mandatory to process the request. It also informs the requestor that once the Freedom of Information Officer receives the request she will contact them to let



them know of any assessed fees. The Freedom of Information Officer, who receives the requests, is better able to gather data on the information requested and on the requestors themselves. This improves communication between the agency and the public.

The following reports were formatted for the web: 2008, 2009 and 2010 S.C. Boat and Motor Totals by County by ending Fiscal Year; Past 10 Years Recreational Boating Accidents and Fatalities; 2008 and 2009 Boating Statistics by County; and 2008 and 2009 Accidents and Fatalities Statistics by Body of Water.

In total 17 HTML pages were developed for this project. The completed preliminary website was sent to the Assistant Deputy Director of Outreach and Support Services (OSS) and the Freedom of Information Officer/Administrative Coordinator-Legal Section for their review. After receiving and responding to suggestions for changes, the finalized information and the Uniform Resource Locator (URL) address were sent to the Project Manager's supervisor and the Deputy Directors for final approval.

The approved web pages for the Freedom of Information Act were made available to the public from the agency's website on October 29, 2010. <http://www.dnr.sc.gov/admin/foia.html> The agency Media Outreach Spokesmen placed an article on South Carolina Department of Natural Resources Facebook page and sent a tweet on Twitter announcing the new FOIA materials. A blurb on the right side of the agency's home page also announced the new information. Until a web application is developed to dynamically create the reports, the SCDNR web master will be responsible for contacting appropriate personnel for updating static FOIA information.

## Evaluation Method

SCDNR's FOIA Officer resigned from the Department of Natural Resources on September 24, 2010, and the position remains vacant. This narrowed the scope of the project since she was the primary source of FOIA information and statistics. Because of this, the monthly web server logs, which have been

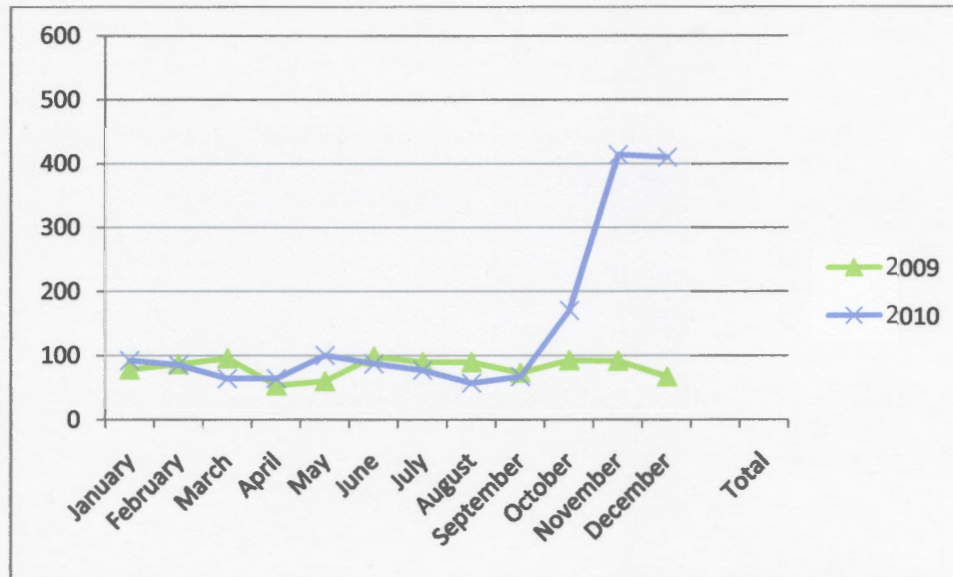


gathered for the last four years, are the primary source for measuring the public's interest in finding information through FOIA.

The new FOIA web pages were available to the public for the last three days of the month of October 2010. The October 2010 web server logs recorded that there were 170 successful requests for the "FOIA.html" file. The monthly average for successful requests from January through September of 2009 was 80 as compared to 77 for the same months in 2010. Beginning with October, the average number of successful requests for the last three months of 2009 was 83 while the average number of successful requests for the same period of 2010 was 331. This represented a 74.92% increase in usage over the same period for the previous year.

From 2007 through 2009 the Number of Successful Request for web pages showed (Figure 1) that there was a gradual decline in viewing of the FOIA web page and that the year 2009 was the lowest year on record. For the year 2010, the web log recorded a total of 1,687 successful requests for web pages. The 'FOIA.html' web page (Figure 2) increased in viewing by 42% when compared to 2009 and had the highest viewing number for all four years. The greatest number of Successful Request for Web Pages recorded for the 'FOIA.html' was made in the last three (3) months of 2010.

Figure 2 – Successful Request for Web pages for FOIA.html in Years 2009-2010



## Summary and Recommendations

The data clearly indicates that the public has an interest in SCDNR's information and in obtaining that information through the FOIA web pages. On the Facebook web page the Media Outreach Spokesmen posted an article entitled "SCDNR – Freedom of Information Act Request" advertising that SCDNR had updated and provided additional information to citizens regarding FOIA. Posted under this article we had three thumbs up and had one comment directly under the posting from an individual which stated "Thank you very much SCDNR." The research and the studies unmistakably indicate that a government agency will only improve its rapport with its citizens by being more transparent. The current political climate supports and demands that South Carolina agencies become "Transparent." It is in SCDNR's best interest and is vital to its well-being to keep the information regarding FOIA up-to-date and to continue to add additional information. As SCDNR becomes more transparent we will be showing our citizens that we are good stewards of all of South Carolina's resources.

## Endnotes

1. Freed, Larry. May 19, 2010. E-Government Transparency Index. Quantifying the Relationship Between Online Transparency and Overall Trust. ForeSee Results. 1-8
2. Freed, 4.
3. The South Carolina Policy Council. January 2009. Transparency and Accountability: Necessary Reforms for South Carolina Government. 1-29.
4. The South Carolina Policy Council, 31.



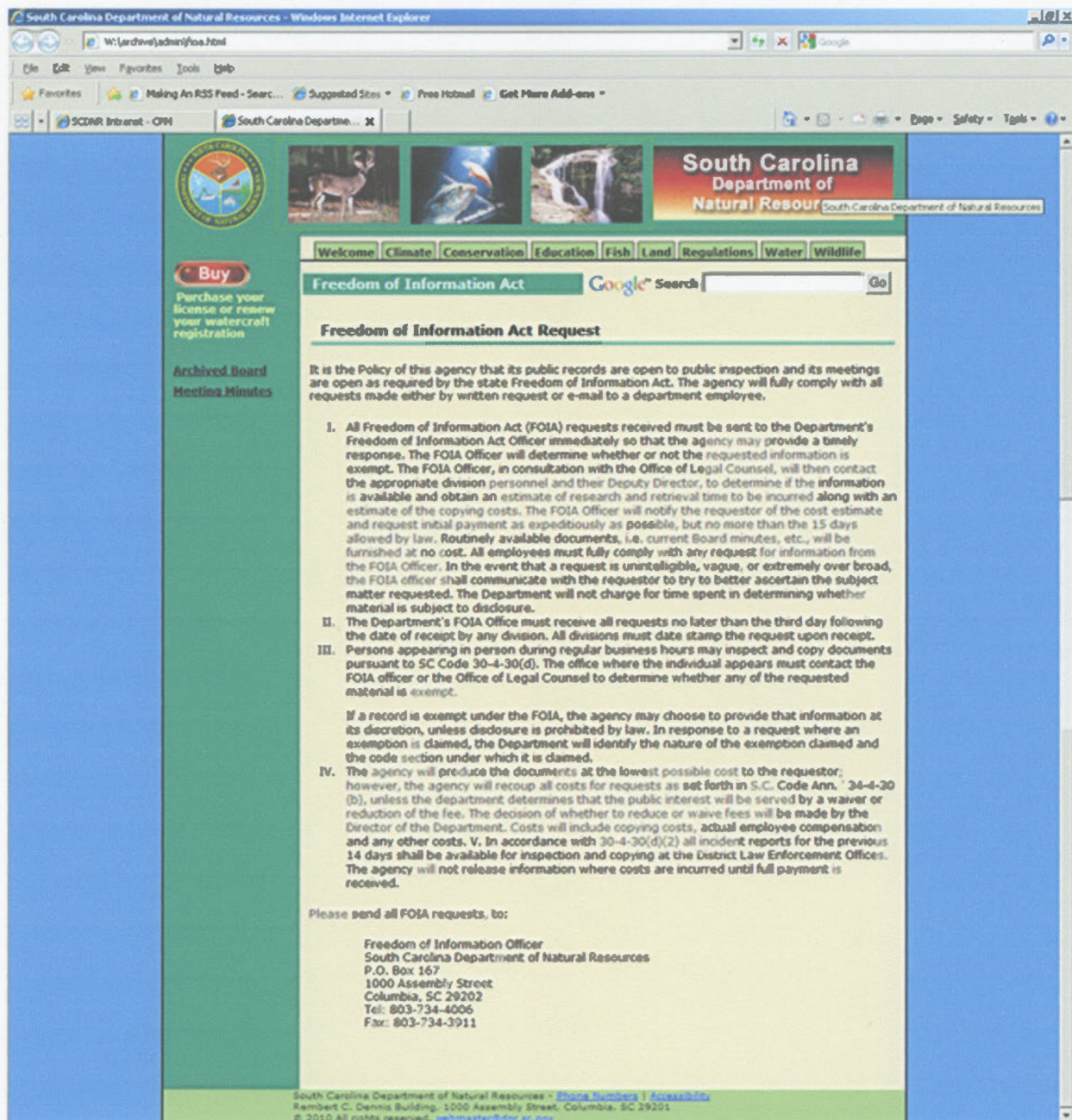
## References

1. Yasin, Rutrell. July 19, 2010. Great Gov Web Apps, *GCN* magazine, volume 29, issue 12, page 20.
2. May, Thorton. 2009. The art, act and science of knowing, *The New Know*, Retrieved: September 22, 2010
3. Freed, Larry . 2009. Online Transparency, Satisfaction and Trust: A study of the Relationships Between Key Concepts and Goals of the Obama Administration, ForeSee Results
4. Brewer, Jake. March 10, 2010. Introducing the Cycle of Transparency, Sunlight Foundation, Retrieved June 21, 2010. <http://sunlightfoundation.com/>
5. Poiniski, Megan. Efforts for More Open Government Brings Divergent Groups Together. Citybizlist Baltimore. Retrieved November 29, 2010  
<http://baltimore.citybizlist.com/1/2010/11/29/Efforts-For-More-Open-Government-Brings-Divergent-Groups-Together---By-Megan-Poiniski.aspx#>
6. President, Obama, Barack. Transparency and Open Government Memorandum Retrieved June 14, 2010. <http://www.whitehouse.gov/>
7. Freed, Larry. May 19, 2010. E-Government Transparency Index. Quantifying the Relationship Between Online Transparency and Overall Trust. ForeSee Results

## Website References

1. Federal Communications Commission – Freedom of Information Act - <http://www.fcc.gov/foia/>
2. Federal Bureau of Investigation – Freedom of Information Act - <http://foia.fbi.gov/>
3. Federal Open Government Guide - <http://www.rcfp.org/fogg/index.php?i=pt1>
4. South Carolina Policy Council - <http://www.scpolicycouncil.com/>
5. U.S. Department of the Interior – Freedom of Information Act - <http://www.doi.gov/foia/>
6. Ohio Department of Natural Resources – Public Records Request - <http://ohiodnr.com/tabid/22462/Default.aspx>

## Appendix A – Previous SCDNR FOIA Web Page





## Appendix B (page 1 of 2) – SCDNR Vision for the Future

### **2. *Improve the general operations of the agency.***

- a. Develop and implement department-wide operational plans that clearly connect all agency activities to specific goals and annual accountability reports;
- b. Fully develop the agency's regional hub system;
- c. Continue to develop and maintain modern, well-integrated information systems and technology throughout the agency;
- d. Enhance and maintain effective communications throughout all levels of the agency;
- e. Maximize efficiency of internal operations and business procedures; and
- f. Aggressively pursue increases in revenue, state and federal funding, and identify new funding sources to support accomplishment of our mission.

### **3. *Create an agency environment that supports a dedicated, professional workforce.***

- a. Implement comprehensive workforce planning that is consistent with agency priorities;
- b. Expand consistent, agency-wide employee training, retention, and compensation efforts;
- c. Implement initiatives that improve employee morale and teamwork, instill a sense of pride in the agency, and emphasize the importance of its mission.

### **4. *Enhance public trust and confidence in the agency.***

- a. Foster more effective communications, outreach, and partnering with the public and State Legislature;
- b. Develop strategies that address divergent public opinion and expectations concerning issues related to accessibility, use, and protection of natural resources; and
- c. Optimize our customer service through regular monitoring of constituent needs, public opinion, and agency performance; and
- d. Enhance natural resource education to provide the public with knowledge necessary in making informed natural resource decisions.



## South Carolina Department of Natural Resources Vision for the Future





## Appendix B (page 2 of 2) – SCDNR Vision for the Future

### Vision for the Future

#### Mission:

Our mission is to serve as the principal advocate for and steward of South Carolina's natural resources.

#### Vision:

Our vision for South Carolina is an enhanced quality of life for present and future generations through improved understanding, wise use, and safe enjoyment of healthy, diverse, sustainable and accessible natural resources.

Our vision for the DNR is to be a trusted and respected leader in natural resources protection and management, by consistently making wise and balanced decisions for the benefit of the state's natural resources and its people.

#### Core Values:

Our actions will be guided at all times by the following shared internal values:

- **Teamwork** - We will accomplish our mission and achieve our vision through goal-focused, cooperative efforts that rely on effective internal and external communication and partnering.
- **Integrity** - We will lead by example, ensuring that our standards are high, and our actions are fair, accountable and above reproach.
- **Dedication** - We will maintain a steadfast commitment to the state's natural resources and our agency's mission.
- **Excellence** - We will always do our best, and continuously strive to improve our processes, activities, policies, operations and products.
- **Service** - We will provide quality service that meets the needs and exceeds the expectations of the public and our own employees.

#### Guiding Principles:

In carrying out our mission, we will continuously strive to:

- Enhance public and private partnerships and open communications necessary to cooperatively protect and manage the state's natural resources;
- Ensure that agency decisions and actions regarding the state's natural resources are based on a balance of scientific knowledge, strong conservation ethics, objectivity, fairness, and the needs and interests of the public;
- Ensure the safety and well-being of the public in their use and enjoyment of the state's natural resources;
- Ensure the continuation and effective management of hunting, fishing, boating, and other natural resources-related activities;
- Evaluate and improve agency functions and procedures to ensure efficiency, effectiveness, and accountability, emphasizing quality service to all customers, internal and external; and
- Foster an organizational culture that emphasizes effective leadership at all levels, a diverse, well-trained, and professional workforce, and an enjoyable and fulfilling work environment.

#### Strategy:

To more effectively accomplish our mission and attain our vision, the DNR will work diligently toward achieving the following overarching goals and objectives during the next five years:

1. *Enhance the effectiveness of the agency in addressing natural resource issues.*
  - a. Broaden strategies to address the impacts of population growth, habitat loss, environmental alterations, overuse and other challenges faced in protecting, enhancing and managing diverse natural resources;
  - b. More effectively develop, coordinate, and integrate resource-specific conservation and management plans, research and policies within the agency; and
  - c. Expand sound application of science for natural resource management and decision-making.

## Appendix C – Sample FOIA Request Form

### Freedom of Information Act Request

Date: \_\_\_\_\_

Freedom of Information Officer  
South Carolina Department of Natural Resources  
P.O. Box 167  
1000 Assembly Street  
Columbia, SC 29202

This is a request under the Freedom of Information Act. I am *(insert a suitable description of the requester)*.

*(Sample requester descriptions:*

- an individual seeking information for personal use and not for a commercial use.*
- affiliated with an educational or noncommercial scientific institution, and this request is made for a scholarly or scientific purpose and not for a commercial use.*
- a representative of the news media affiliated with the \_\_\_\_\_ newspaper (magazine, television station, etc.), and this request is made as part of news gathering and not for a commercial use.)*

and the purpose of this request is:

*(insert a detailed description of the purpose of this request).*

I request that a copy of the following documents (or documents containing the following information) be provided to me:

*(Identify the documents or information as specifically as possible)*

I am willing to pay fees for this request up to a maximum of \$ \_\_\_\_\_. If you estimate that the fees will exceed this limit, please inform me first.

Thank you for your consideration of this request.

Sincerely,

Name  
Address, City, State, Zip Code  
Telephone number (required)  
Email Address (required)

URL on website - <http://www.dnr.sc.gov/admin/foia/howto.html>